

FILED  
JUN 11 2020  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRANDON MICHAEL ALTHOF LONG,  
DEVON BRYCE POLAND,

Defendants.

) INDICTMENT  
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JUDGE GAUGHAN

CASE NO.

1:20 CR 290

Title 18, United States Code,  
Sections 371, 844(h)(1) and (m),  
2101(a), and 231(a)(2)

**GENERAL ALLEGATIONS**

1. On or about May 30, 2020, there was a peaceful protest march planned in Cleveland, Ohio, in the Northern District of Ohio, starting at Willard Park, on the northwest corner of Lakeside Avenue and East 9th Street, and ending at the Justice Center, located on Lakeside Avenue between Ontario Avenue and West 3rd Street. The march began at approximately 2:00 p.m. and was scheduled to end at approximately 5:00 p.m.

2. At approximately 3:30 p.m., certain individuals in front of the Justice Center began throwing rocks, bottles, and other items at law enforcement officers. Some individuals used spray paint to vandalize buildings, streets, and other structures with anti-police and anti-government slogans.

3. At approximately 3:50 p.m., members of the Cuyahoga County Sheriff's Office began using non-lethal techniques to disperse the crowds in front of the Justice Center. Certain individuals continued to throw items at the police and vandalize structures. At least three Cleveland Police Department zone cars were set on fire by individuals in the crowd.

4. From approximately 4:00 p.m. until approximately 9:45 p.m., certain demonstrators continued to break windows of the Justice Center and surrounding buildings, knock over garbage cans and conduct other acts of vandalism. An additional four city-owned cars were set on fire during this time. The Cleveland Police Department and the City of Cleveland issued orders via megaphone, Twitter, social media, and contact with news outlets for all demonstrators to disperse.

5. At approximately 7:30 p.m., the Cleveland Police Department and the City of Cleveland issued a curfew to begin at 8:00 p.m. and remain in effect until 12:00 p.m. on May 31, 2020.

6. At approximately 7:30 p.m., the Cleveland Police Department and the City of Cleveland issued an order establishing a civil order prohibiting any persons from being on the streets or in a vehicle in downtown Cleveland.

7. Facebook is an Internet-based communication platform that can be accessed by computer, smart phone, and other devices that can connect to the Internet, and allows users to, among other things, post and receive messages to each other using unique screennames.

8. Facebook maintains servers through which messages travel and are stored. These servers are located in the State of California.

9. Snapchat is a multimedia messaging app developed by Snap Inc. Snapchat can be accessed by smart phone and other devices that can connect to the Internet, and allows users to, among other things, post and receive messages to each other using unique screennames.

10. Snapchat maintains servers through which messages travel and are stored. These servers are located in the State of California.

11. A Molotov cocktail is an improvised incendiary device made of a container containing gasoline or other flammable liquid, and a wick made of a rag or paper inserted in the top of the container.

COUNT 1

(Conspiracy to Riot and Cause Civil Disorder, 18 U.S.C. § 371)

The Grand Jury charges:

12. The allegations set forth in paragraphs 1 through 11 are incorporated by reference as if fully set forth herein.

13. On or about May 30, 2020, in the Northern District of Ohio, Eastern Division and elsewhere, Defendants BRANDON MICHAEL ALTHOF LONG and DEVON BRYCE POLAND did knowingly and willfully conspire, combine, confederate, and agree with each other, to commit an offense against the United States, namely:

(1) traveling in interstate commerce and using a facility of interstate commerce with intent (a) to incite a riot, (b) to organize, promote, encourage, participate in, and carry on a riot, (c) to commit an act of violence in furtherance of a riot, and (d) to aid and abet any person in inciting and participating in and carrying on a riot and committing any act of violence in furtherance of a riot; and during the course of such travel and use thereafter performed and attempted to perform any other overt act for such purpose specified in (a), (b), (c) and (d) of this paragraph, in violation of Title 18, United States Code, Section 2101(a); and

(2) transporting in commerce from the Commonwealth of Pennsylvania to the State of Ohio a firearm, knowing and having reason to know and intending that the firearm would

be used unlawfully in furtherance of a civil disorder, in violation of Title 18, United States Code, Section 231(a)(2).

**Object of the Conspiracy**

14. The object of the conspiracy was to travel in interstate commerce from the Commonwealth of Pennsylvania to the State of Ohio in order to incite, organize, promote, encourage, participate in, and carry on a riot; to aid and abet any person in inciting and participating in and carrying on a riot; and commit any act of violence in furtherance of a riot.

**Manner and Means**

15. It was part of the conspiracy that:

A. ALTHOF LONG and POLAND used the chat functionality within Facebook Messenger and Snapchat, among other facilities of interstate communication, to communicate with each other and others about traveling from the Commonwealth of Pennsylvania to the State of Ohio on May 30, 2020, to participate in a riot in Cleveland, Ohio.

B. ALTHOF LONG and POLAND transported items in interstate commerce from the Commonwealth of Pennsylvania to the State of Ohio, including a firearm and ammunition, two containers of Sterno Firestarter Instant Flame Gel, a can of spray paint and a hammer, in order to use them in a riot in Cleveland, Ohio.

C. ALTHOF LONG and POLAND maintained drivers licenses issued by the Commonwealth of Pennsylvania and used roadways and other facilities of interstate transportation to travel from the Commonwealth of Pennsylvania to the State of Ohio to participate in a riot in Cleveland, Ohio.

**Overt Acts**

In furtherance of the conspiracy, and to effect the objects thereof, Defendants and others performed overt acts in the Northern District of Ohio and elsewhere, including, but not limited to the following:

16. On or about May 30, 2020, at approximately 5:17 p.m., using Facebook Messenger, ALTHOF LONG messaged POLAND asking, "Wanna go to Pittsburgh and watch the riots."
17. On or about May 30, 2020, at approximately 5:19 p.m., using Facebook Messenger, POLAND replied, "Is there actually riots? IK (I know) philly is wilding."
18. On or about May 30, 2020, at approximately 5:20 p.m., using Facebook Messenger, ALTHOF LONG messaged POLAND, "They lit it on fire lmao (laugh my a\*\* off)."
19. On or about May 30, 2020, at approximately 5:24 p.m., using Facebook Messenger, POLAND responded, "I wanna s\*\*t kinda but my future wife needs me."
20. On or about May 30, 2020, at approximately 5:25 p.m., using Facebook Messenger, ALTHOF LONG responded, "This is a once in a life time thing you can witness and maybe participate in."
21. On or about May 30, 2020, at approximately 5:25 p.m., using Facebook Messenger, ALTHOF LONG messaged POLAND, "Or tell her you gotta go overthrow the govt first."
22. On or about May 30, 2020, at approximately 5:42 p.m., using Snapchat, POLAND messaged N.M., an individual known to the Grand Jury, about attending protests stating, "I'm gonna go set s\*\*t on fire."

23. On or about May 30, 2020, at approximately 6:10 p.m., using Facebook Messenger, ALTHOF LONG messaged POLAND, "Unless things change. Cleveland seems like a better spot to riot watch."

24. On or about May 30, 2020, at approximately 6:11 p.m., using Facebook Messenger, ALTHOF LONG messaged POLAND, "Police shooting teargas and flash bangs, Pittsburgh hasn't had much of that."

25. On or about May 30, 2020, at approximately 7:09 p.m., using Facebook Messenger, ALTHOF LONG messaged POLAND about buying supplies for their travel to Cleveland and asked if POLAND wanted goggles. POLAND replied, using Facebook Messenger, "Yes," and also asked for "a bandana" and a "backpack."

26. On or about May 30, 2020, at approximately 7:10 p.m., using Facebook Messenger, POLAND messaged ALTHOF LONG asking, "Should we bring Molotov supplies?"

27. On or about May 30, 2020, at approximately 7:11 p.m., using Facebook Messenger, POLAND messaged D.C., an individual known to the Grand Jury, asking, "Bruh you tryna go to Cleveland and riot?"

28. On or about May 30, 2020, at approximately 7:17 p.m., using Facebook Messenger, ALTHOF LONG responded, "Sadly enough I think I have everything needed for a Molotov in my car. Like normally."

29. On or about May 30, 2020, at approximately 7:18 p.m., using Facebook Messenger, POLAND messaged D.C., stating, "I'm gonna try bro. ALTHOF is really tryna go do this s\*\*t."

30. On or about May 30, 2020, at approximately 7:20 p.m., using Facebook Messenger, POLAND messaged D.C., stating, "He's got Molotov cocktails and everything."

31. On or about May 30, 2020, at approximately 7:48 p.m., using Facebook Messenger, POLAND messaged D.C., stating, "Yeah they are locking the city [Pittsburgh] down. I'm finna loot Cleveland. You want some designer s\*\*t?"

32. On or about May 30, 2020, at approximately 7:48 p.m., using Facebook Messenger, POLAND messaged ALTHOF LONG, stating, "Pittsburgh is s\*\*t down."

33. On or about May 30, 2020, at approximately 7:49 p.m., using Facebook Messenger, POLAND messaged ALTHOF LONG, stating, "[t]he city is blocked shut bro."

34. On or about May 30, 2020, at approximately 7:50 p.m. and 7:56 p.m., using Facebook Messenger, ALTHOF LONG responded, "Cleveland is more lit anyway," and "[a]nd if not Pittsburgh then we can hit Cleveland OH."

35. On or about May 30, 2020, at approximately 8:02 p.m., using Facebook Messenger, ALTHOF LONG messaged POLAND that he was leaving to pick him up and at approximately 8:04 p.m. POLAND responded, using Facebook Messenger, by providing ALTHOF LONG the address in Erie, Pennsylvania, where ALTHOF LONG should go.

36. On or about May 30, 2020, at approximately 8:30 p.m., using Snapchat, POLAND messaged "B.P.C.," an individual using an online moniker known to the Grand Jury, stating, "I'm going to Cleveland to riot."

37. On or about May 30, 2020, at approximately 8:30 p.m., using Snapchat, POLAND again messaged B.P.C., stating, "I'm gonna see if I can't break into a designer store."

38. On or about May 30, 2020, ALTHOF LONG and POLAND traveled from the Commonwealth of Pennsylvania to the State of Ohio.

39. On or about May 30, 2020, ALTHOF LONG and POLAND transported a Glock semi-automatic firearm in interstate commerce from the Commonwealth of Pennsylvania to the State of Ohio.

40. On or about May 30, 2020, at approximately 11:57 p.m., using Snapchat, POLAND messaged G.M., an individual known to the Grand Jury, stating, "My phone died but me and mass n\*\*\*\*s busted into some bars. I got a whole a\*s bottle of liquor."

41. On or about May 30, 2020, ALTHOF LONG and POLAND were arrested near the intersection of East 8th Street, an alleyway, and Huron Avenue in downtown Cleveland, Ohio, in possession of a black backpack purchased at a Walmart in Pennsylvania, a hammer, two containers of Sterno Firestarter Instant Flame Gel, a can of spray paint and a glass bottle of liquor with a bar-style pour top. The Glock semi-automatic firearm and two magazines loaded with ammunition were located in their vehicle.

All in violation of Title 18, United States Code, Section 371.

COUNT 2

(Conspiracy to Use Fire to Commit any Felony, 18 U.S.C. §§ 844(h)(1) and (m))

The Grand Jury further charges:

42. The allegations set forth in paragraphs 1 through 11 and 16 through 41 are incorporated by reference as if fully set forth herein.

43. On or about May 30, 2020, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendants BRANDON MICHAEL ALTHOF LONG and DEVON BRYCE POLAND did conspire with each other to knowingly use fire to commit a felony prosecutable in a court of the United States to wit: Interstate Travel to Riot, pursuant to 18 U.S.C. § 2101 and



Interstate Transportation of a Firearm to Commit Civil Disorder, pursuant to 18 U.S.C. § 231, in violation of Title 18, United States Code, Sections 844(h)(1) and (m).

COUNT 3

(Interstate Travel to Riot, 18 U.S.C. § 2101(a))

The Grand Jury further charges:

44. The allegations set forth in paragraphs 1 through 11 and 16 through 41 are incorporated by reference as if fully set forth herein.

45. On or about May 30, 2020, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendants BRANDON MICHAEL ALTHOF LONG and DEVON BRYCE POLAND traveled in interstate commerce from the Commonwealth of Pennsylvania to the State of Ohio, with intent (1) to incite a riot, (2) to organize, promote, encourage, participate in, and carry on a riot, (3) to commit an act of violence in furtherance of a riot, and (4) to aid and abet any person in inciting and participating in and carrying on a riot and committing any act of violence in furtherance of a riot, and during the course of such travel performed and attempted to perform any other overt act for any purpose specified in (1), (2), (3) and (4) of this paragraph, as alleged in paragraphs 16 through 41 above, in violation of Title 18, United States Code, Section 2101(a).

COUNT 4

(Transporting any Firearm in Furtherance of Civil Disorder, 18 U.S.C. § 231(a)(2))

The Grand Jury further charges:

46. The allegations set forth in paragraphs 1 through 11 and 16 through 41 are incorporated by reference as if fully set forth herein.

47. On or about May 30, 2020, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendants BRANDON MICHAEL ALTHOF LONG and DEVON BRYCE POLAND, did transport in commerce from the Commonwealth of Pennsylvania to the State of Ohio a firearm, knowing and having reason to know and intending that the firearm would be used unlawfully in furtherance of a civil disorder, in violation of Title 18, United States Code, Section 231(a)(2).

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.